

JAMES E. SALVEN  
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Chapter 7 Trustee  
For the Bankruptcy Estate of  
LARRY BOECKEN, Debtor  
And Plaintiff

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Attorneys for Defendant  
GALLO GLASS COMPANY

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

LARRY BOECKEN, JR.,  
Plaintiff,

v.

GALLO GLASS COMPANY, and  
DOES 1 THROUGH 50,  
INCLUSIVE,

Defendant.

CASE NO. 1:05-CV-00090 LJO BAM

**STIPULATION AND ORDER TO DISMISS  
ENTIRE ACTION WITH PREJUDICE**

Judge: Hon. Lawrence J. O'Neill

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6 WHEREAS, this lawsuit was filed in November 2004. On August 21, 2008, Plaintiff filed  
7 a Voluntary Petition for bankruptcy under Chapter 7 of the Bankruptcy Code in the United States  
8 Bankruptcy Court for the Eastern District of California, Case No. 08-15050-B-7. This lawsuit  
9 and the claims therein were not listed in Plaintiff's sworn Statement of Financial Affairs, filed  
10 with the Bankruptcy Court or any other filing with the Bankruptcy Court while his Petition was  
11 pending;

12 WHEREAS, on or about December 30, 2008, the United States Bankruptcy Court  
13 granted Plaintiff a discharge under section 727 of title 11, United States Code;

14 WHEREAS, Defendant discovered Plaintiff's Voluntary Petition for bankruptcy  
15 when it retained new counsel in this case in May 2011 and brought this Petition to the attention of  
16 counsel for Plaintiff and this Court;

17 WHEREAS, on May 27, 2011, the United States Bankruptcy Court for the Eastern  
18 District of California reopened Plaintiff Larry Boecken, Jr.'s Chapter 7 bankruptcy, No. 08-  
19 15050-B-7, and ordered that amended schedules be served on the U.S. Trustee within 30 days  
20 along with a declaration from Plaintiff explaining why the asset was omitted from his original  
21 schedules. The order further provided that the U.S. Trustee thereafter may have 30 days to  
22 appoint a Chapter 7 trustee if necessary to investigate and administer the omitted asset.

23 WHEREAS, on June 28, 2011, the U.S. Trustee appointed James Salven as the  
24 Chapter 7 Trustee for the Bankruptcy Estate of Larry Boecken, Debtor;

25 WHEREAS, on May 29, 2012, the Honorable Richard Lee, United States  
26 Bankruptcy Judge, United States Bankruptcy Court for the Eastern District of California, entered  
27 the ORDER APPROVING COMPROMISE OF CONTROVERSY BETWEEN BANKRUPTCY  
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1 ESTATE OF DEBTOR AND GALLO GLASS COMPANY in Case No. 08-15050-B-7, a copy  
2 of which is attached as Exhibit 1.

3 NOW, THEREFORE, James E. Salven, Chapter 7 Trustee for the Bankruptcy  
4 Estate of Larry Boecken, Debtor, and Defendant Gallo Glass Company hereby stipulate that this  
5 action be dismissed in its entirety with prejudice, with each party to bear its own costs and  
6 attorneys' fees.

7 Dated: May 30, 2012

JAMES E. SALVEN

8  
9 By:

10 James E. Salven  
11 Chapter 7 Trustee  
12 For the Bankruptcy Estate of  
LARRY BOECKEN, Debtor  
And Plaintiff

13 Dated: May 30, 2012

PAUL HASTINGS LLP

14  
15 By: /s/ Nancy L. Abell

16 Nancy L. Abell  
17 Counsel for Defendant  
Gallo Glass Company

18 **ORDER**

19  
20 IT IS HEREBY ORDERED, ADJUDGED AND DEGREED THAT, in  
21 accordance with the May 29, 2012 ORDER APPROVING COMPROMISE OF  
22 CONTROVERSY BETWEEN BANKRUPTCY ESTATE OF DEBTOR AND GALLO GLASS  
23 COMPANY, entered by the United States Bankruptcy Court for the Eastern District of California,  
24 in Case No. 08-15050-B-7, the Bankruptcy Estate of Larry Boecken, Debtor, and the stipulation  
25 of the real parties in interest, this action is hereby dismissed in its entirety with prejudice. Each  
26 party shall bear its own attorneys' fees and costs.  
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